Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Re: Delete Delete Delete	)	GN Docket No. 25-133
Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications	)	ET Docket No. 15-80
New Part 4 of the Commission's Rules Concerning Disruptions to Communications	)	PS Docket No. 04-35
Improving 911 Reliability	)	PS Docket No. 13-75
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45

COMMENTS OF THE CLOUD COMMUNICATIONS ALLIANCE

The Cloud Communications Alliance[1] ("CCA") appreciates this opportunity to respond to the Federal Communications Commission's ("Commission") Public Notice (DA 25-219), dated March 12, 2025, seeking recommendations on existing regulations that no longer effectively serve the public interest and impose unnecessary burdens on communications providers.[2] CCA commends the Commission's commitment to removing outdated regulatory barriers, fostering innovation, and streamlining compliance obligations to better reflect technological advancements and market

[1] The Cloud Communications Alliance ("CCA") is the premier global affiliation group for the cloud communications industry, representing unified communications service providers and their vendors. As the "voice of the cloud communications industry," the CCA drives innovation, shapes regulatory policies, and provides financial and industry thought leadership. With a rapidly growing membership serving over 20 million seats worldwide, the CCA fosters collaboration among industry leaders, empowering its members to deliver cutting-edge solutions to enterprise customers across the globe.

[2] *FCC Opens "In Re: Delete, Delete, Delete" Docket*, GN Docket No. 25-133, Public Notice, DA 25-219 (rel. Mar. 12, 2025).

realities. In alignment with this important initiative, CCA identifies below key areas where targeted regulatory action will significantly benefit both industry participants and consumers by reducing operational complexity, lowering costs, and enhancing market competitiveness.

CCA specifically requests that the Commission eliminate or revise the following regulations, as discussed in these comments:

- ✓ **47 C.F.R. pt. 4**: Eliminate unnecessary and unrealistic public safety answering point ("PSAP") outage reporting obligations.
- ✓ **47 C.F.R. § 54.708**: Transition from a compulsory de minimis exemption to Universal Service Fund ("USF") contribution to an optional exemption.
- ✓ Reaffirm federal preemption of state regulations applicable to VoIP service providers that conflict with federal law, thereby **DELETING** state-level regulations that could undermine federal deregulatory achievements.

I. DELETE PSAP OUTAGE REPORTING OBLIGATIONS

CCA respectfully requests that the Commission eliminate the PSAP outage reporting obligations adopted in the *PSAP Notification Order*.[3] Although these requirements were established with good intentions, they are excessively prescriptive, technically complex, and create significant operational burdens, particularly on smaller service providers.

The rules currently mandate that providers maintain continuously updated contact information for thousands of PSAPs nationwide.[4] They also require providers to deliver detailed outage notifications within 30 minutes of discovering an outage, even when the affected network segment is outside the provider's direct control or visibility.[5] Further, the regulations demand additional follow-up notifications within two hours and impose strict content formatting obligations that are unrealistic, especially for smaller providers or those operating with limited infrastructure.[6]

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[3] *Amendments too Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15- 80, PS Docket No. 13- 75, ET Docket No. 04- 35, Second Report and Order, 37 FCC Rcd 13847 (rel. Nov. 18, 2022) ("*PSAP Notification Order*").
[4] *Id.* at paras 8-9.
[5] *See Id.* at paras 10, 13, 14, 19, and 20.
[6] *See generally* 47 C.F.R. §§ 4.9 and 4.11.

Such providers often lack the sophisticated monitoring systems and automated data collection capabilities necessary to comply quickly and accurately. Moreover, smaller providers typically have fewer dedicated regulatory compliance personnel, forcing technical and operational staff to divert their attention from urgently needed service restoration efforts to handle compliance reporting.

The result is a significant distraction from providers' primary responsibilities during network disruptions — restoring services promptly and effectively managing customer communications and concerns. By redirecting critical resources toward administrative compliance tasks, the reporting obligations can inadvertently prolong outages and diminish providers' ability to deliver timely customer support, ultimately undermining both service quality and customer satisfaction.

Additionally, the rules do not provide meaningful public safety benefits commensurate with their heavy compliance burdens. In practice, rather than enhancing clarity or improving emergency response, these rules often cause confusion. During regional service disruptions, multiple providers simultaneously inundate the same PSAPs with nearly identical notices. Most PSAPs and emergency response organizations already receive pertinent outage information through state-level coordination, direct carrier relationships, or centralized systems managed by the Commission or other federal agencies, such as the National Outbreak Reporting System ("NORS") and the Disaster Reporting Information System ("DIRS").[7] Thus, the current reporting framework duplicates existing effective communication channels without adding value.

Compliance with these regulations also incurs substantial new costs for smaller providers.[8] For example, to comply fully, providers must invest in specialized services and solutions, such as the PSAP outage notification services marketed by companies like Bandwidth.[9] These investments

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[7] *See id.* § 4.18(a) (mandating daily infrastructure status reporting for "Cable Communications, Wireline, Wireless, and Interconnected VoIP providers" whenever the Commission activates the DIRS in any of their service areas, "even when their reportable infrastructure has not changed compared to the prior day").

[8] *See PSAP Notification Order* at para. 36 and n.112 (estimating the average costs of creating and maintaining a 911 special facility contact list, and how the Commission calculated its estimated amounts).

[9] Eric Hewell, "New FCC 911 Outage Notification Rules: What You Need to Know," Bandwidth (Apr. 18, 2023), https://www.bandwidth.com/blog/the-fcc-22-88-report-and-order-explained/.

represent substantial, recurring expenses that small businesses disproportionately bear. Unlike large providers that can spread these compliance costs broadly across a large customer base, small providers face exponentially higher per-customer costs. Ultimately, these increased costs are inevitably passed on to consumers, disproportionately affecting customers of smaller providers and significantly distorting competitive market dynamics.

Such regulations exemplify regulatory overkill and a failure to adequately weigh the economic implications for small businesses and their customers. The Commission should recognize these regulations for what they are: overly burdensome requirements that impose heavy compliance costs without yielding corresponding public safety benefits. Eliminating these PSAP outage reporting obligations would not only remove unnecessary regulatory burdens but also foster a healthier competitive environment where small providers can focus their resources on improving service reliability and customer support, rather than on bureaucratic reporting requirements.

II. DELETE "MANDATORY" DE MINIMIS EXEMPTION

CCA urges the Commission to delete the mandatory USF de minimis exemption under 47 C.F.R. § 54.708 and replace it with a voluntary exemption.[10] Initially intended to simplify regulatory compliance for smaller providers by exempting them from quarterly FCC Form 499-Q filings and direct USF contributions, the mandatory de minimis exemption now creates substantial administrative and operational complications.[11] These concerns have been raised with the Commission as early as 2005.[12]

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[10] 47 C.F.R. § 54.708.

[11] *See generally* Petition of the Ad Hoc Coalition of International Telecommunications Companies for Declaratory Rulings, or in the Alternative, to Initiate a Rulemaking, WC Docket No. 96-45 (filed Feb. 12, 2009), https://www.fcc.gov/ecfs/document/5515345132/1 (discussing these complications).

[12] *See* Ex Parte Letter to Marlene Dortch from Albert A Kramer and Robert F. Aldrich, Re: Federal-State Joint Board on Universal Service, CC Docket No. 96- 45 at 7-9 (Aug. 23, 2005); Ex Parte Letter to Marlene Dortch from Albert A. Kramer and Robert F. Aldrich, Re: Federal-State Joint Board on Universal Service, CC Docket No. 96- 45 (Jan. 9, 2006).

The mandatory exemption framework has introduced several unintended consequences over the years, particularly affecting small resellers and new market entrants. Under this framework, these providers are unable to independently determine their own revenue allocation methods because their exemption status is wholly dependent on their suppliers' allocation choices.[13] For instance, if a VoIP reseller's supplier uses the FCC's 64.9% safe harbor method to allocate revenues between interstate and intrastate jurisdictions, the reseller cannot independently choose alternative methods—such as traffic studies or actual books and records—that might reflect significantly lower interstate usage. Using these alternative methods could substantially reduce the USF pass-through charges billed to end customers. As a result, a reseller's exemption status and USF contribution obligations are dictated by supplier decisions rather than its own retail business operations. This dependency leads to regulatory uncertainty and operational complexity, causing resellers to frequently oscillate between exempt (indirect USF contributor) and direct USF contributor statuses based entirely on supplier allocations.

The following scenario illustrates clearly and narratively the practical burdens and regulatory uncertainty created by the FCC's mandatory de minimis exemption rules.

Scenario Based on Calendar Year 2025 De Minimis Threshold

Each year, USAC publishes an annual and quarterly de minimis threshold based on retail interstate and international telecommunications revenues.[14] Providers with revenues below these thresholds remain exempt from directly contributing to the USF; providers exceeding these

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[13] *See Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as Amended; 1998 Biennial Regulatory Review—Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange, Exchange Access and Local Exchange Markets*, 16 FCC Rcd 7418 (2001); *see also*, *Universal Service Contribution Methodology; Application for Review of Decision of the Wireline Competition Bureau by Global Crossing Bandwidth, Inc., et al.*, 27 FCC Rcd 13780 (2012).

[14] Universal Service Administrative Company, De Minimis, https://www.usac.org/service-providers/contributing-to-the-usf/forms-to-file/de-minimis/ (last visited Apr. 1, 2025).

thresholds become direct contributors and must report and remit payments to USAC. In 2025, the annual and quarterly de minimis thresholds are:

- Annual interstate/international telecommunications revenue threshold: **$39,062**
- Quarterly threshold (approx.): **$9,765.50**

Applying the 2025 de minimis thresholds to the following scenarios clearly illustrates the complexities and practical challenges small service providers routinely face as a direct result of the mandatory de minimis exemption framework.

SCENARIO A:

Reseller Below De Minimis Threshold (Supplier Uses 64.9% Safe Harbor)

Consider a VoIP reseller with total annual telecommunications revenue of $60,000, evaluated against the 2025 thresholds. The reseller's supplier, adopting a conservative approach to minimize the risk of underreporting, allocates revenues between interstate and intrastate jurisdictions using the FCC's standard 64.9% safe harbor method:

- **Interstate Revenue: $60,000 × 64.9% = $38,940**
- Intrastate Revenue: $60,000 – $38,940 = $21,060

Because the interstate revenue ($38,940) is below the 2025 annual threshold ($39,062), the reseller would qualify as "de minimis" under the current, mandatory de minimis exemption rule. Consequently, the reseller does not need to file FCC Form 499-Q nor contribute directly to the USF. Instead, the reseller pays USF indirectly through its suppliers' pass-through charges.

SCENARIO B:

Revenue Slightly Exceeds De Minimis Threshold

Suppose the reseller's total annual revenue increases slightly to $61,000. Continuing to apply the supplier's chosen allocation method (the 64.9% safe harbor):

- **Interstate Revenue: $61,000 × 64.9% = $39,589**
- Intrastate Revenue: $61,000 – $39,589 = $21,411

With this slight increase, the reseller's interstate revenue now exceeds the de minimis threshold, resulting in the reseller transitioning to direct contributor status. As a direct contributor, the reseller becomes responsible for filing FCC Form 499-Q quarterly and directly remitting USF contributions to USAC. Consequently, the reseller assumes full responsibility for accurately calculating USF surcharges based on its retail revenues, can transparently and lawfully label these USF pass-through charges, and is permitted to pass these costs onto its customers.

SCENARIO C:

Traffic Study Reveals Lower Interstate Usage

HOWEVER, for purposes of this illustration (a scenario that occurs frequently given the hundreds, if not thousands, of small managed service providers and sales channel partners continually entering the market), let's assume that after becoming a direct contributor, the reseller conducts a traffic study due to concerns that using the 64.9% safe harbor allocation results in USF pass-through surcharges exceeding those of competitors. Suppose the traffic study indicates interstate usage is actually only 30%, substantially reducing the interstate revenue subject to USF contributions:

- **Interstate Revenue: $61,000 × 30% = $18,300**
- Intrastate Revenue: $61,000 − $18,300 = $42,700

With these updated results, the reseller's interstate revenue falls significantly below the de minimis threshold. If the reseller began reporting projected revenue based on this lower, traffic-study-derived interstate allocation, the mandatory de minimis rule would revert the reseller back to de minimis, indirect contributor status. This shift would again subject the reseller to its supplier's higher revenue allocation methodology.

Consequently, although the reseller would theoretically qualify for direct contributor status based on its own usage data, the mandatory de minimis rule forces it to remain in indirect contributor status. As a result, the reseller faces ongoing difficulties in accurately calculating the appropriate USF surcharge to pass through to customers, since it must rely on aggregated USF

charges invoiced by suppliers, which reflect wholesale rather than retail revenue figures. This disconnect makes it challenging to correlate wholesale charges directly with retail revenues. Additionally, the reseller continues to navigate the regulatory and operational complexities associated with transparently passing through indirect USF charges to customers using standard industry surcharge labeling. These challenges compel the reseller into cumbersome billing and invoicing practices, placing it at a distinct competitive disadvantage relative to direct-contributor competitors who do not face these burdens.

This example illustrates clearly that the current mandatory de minimis exemption framework generates unnecessary complexity, regulatory uncertainty, and customer confusion, particularly burdening small service providers. These providers must constantly adjust billing practices, often resorting to complicated, inconsistent methods to remain within exemption thresholds, causing customers to face unpredictable fluctuations in their USF surcharges and confusion over surcharge labels and amounts. Allowing providers to voluntarily choose de minimis status would greatly simplify administrative processes, reduce operational complexity, streamline compliance, and ensure more stable and transparent billing for customers.

As touched upon earlier, one of the operational and customer-facing challenges confronted by small providers operating under the mandatory de minimis exemption involves the accurate calculation and transparent labeling of USF pass-through surcharges. While current FCC rules do not explicitly prohibit indirect (de minimis) contributors from recovering their supplier-imposed USF charges, these rules strictly forbid marking up USF contribution amounts.[15] The following section further examines the complexities and operational impacts associated with properly labeling and passing through these indirect USF costs to end customers as a consequence of the currently mandatory de minimis exemption rule.

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[15] 47 C.F.R. § 54.712(a) (2021) (prohibiting providers who choose to recover USF contributions through a line-item surcharge from billing customers more than the amount calculated by multiplying the customer's interstate telecommunications charges by the applicable USF contribution factor, thus preventing charges in excess of the provider's actual USF obligations).

Because suppliers apply USF charges to aggregate wholesale invoices rather than to individual retail customer accounts, providers cannot directly align their supplier's USF pass-through with each customer's individual bill. As a result, providers typically base customer USF surcharges on retail charges. However, since the underlying USF charges imposed by suppliers reflect materially lower wholesale invoice amounts, a substantial discrepancy arises. This gap between easily calculated retail-based surcharges and the supplier-based USF costs creates practical and regulatory challenges (and risks) under current FCC rules, which strictly limit allowable pass-through amounts and prohibit "mark-ups."

Consequently, small providers are forced either to embed these supplier-based USF costs into generalized "Cost Recovery Fees"—which obscures transparency for customers—or risk inadvertently violating FCC rules by improperly calculating and labeling their USF surcharges. Often, these unintentional rule violations only come to light during a Universal Service Administrative Company (USAC) Notice of Issue (NOI) review.

Deleting the "mandatory" de minimis exemption and making it a "voluntary option" would empower smaller providers to independently choose allocation methods suitable to their business model from the outset and establish a consistent approach to passing through USF surcharges, thereby providing greater stability, predictability, and administrative ease in their compliance obligations. Such a change would restore the de minimis exemption to its original purpose—alleviating administrative compliance burdens for small service providers and new market entrants. Over the past 25 years, this exemption has evolved from a straightforward rule intended to simplify regulatory requirements into a source of increased complexity, administrative overhead, and cost. By making this minor adjustment, the FCC has an opportunity to significantly reduce unnecessary regulatory friction, enhance administrative simplicity, minimize customer confusion, and foster a fairer competitive marketplace.

III. PRESERVATION OF THE NATIONAL VOIP REGULATORY FRAMEWORK BY DELETING STATE-LEVEL REGULATORY BURDENS THROUGH AFFIRMATION OF VONAGE PREEMPTION

CCA strongly urges the Commission to decisively affirm and reinforce the Vonage Preemption Doctrine,[16] effectively "deleting" burdensome and conflicting state-level regulatory intrusions on VoIP providers. The Commission can eliminate as many federal regulations as it deems appropriate, but such federal deregulatory efforts will be rendered ineffective if the Commission allows states to trample on the longstanding Vonage Preemption Doctrine and undermine the cohesive federal regulatory framework. What meaningful benefit does federal deregulation provide if states are permitted to impose conflicting, duplicative, and economically burdensome regulations that create substantial confusion and compliance challenges?

For more than two decades, the Vonage Preemption Doctrine has established and maintained a clear, unified national regulatory framework, enabling innovation, investment, and robust competition within the VoIP and cloud communications industries. However, recent aggressive regulatory actions by states, particularly the California Public Utilities Commission ("CPUC"), now threaten this foundational protection. Under ambiguous and unjustified claims of consumer protection and market oversight, states like California are imposing outdated public utility-style regulations that directly conflict with, and severely compromise, federal deregulatory policies and industry growth.[17]

Allowing states to exploit regulatory ambiguities will inevitably lead to a fragmented regulatory environment, creating severe economic and operational burdens on VoIP providers,

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[16] *See Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004).

[17] *See Decision Establishing Regulatory Framework for Telephone Corporations Providing Interconnected Voice over Internet Protocol and Launching Second Phase of Proceeding*, R. 22-08-008 (Cal. Pub. Utils. Comm'n Nov. 7, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M546/K367/546367929.PDF (imposing on interconnected VoIP providers extensive regulatory obligations historically reserved for traditional wireline carriers).

especially smaller entities. The resulting patchwork of diverse state regulations will significantly raise compliance costs, hinder market entry and expansion, and stifle innovation — costs ultimately borne by consumers through increased prices and reduced service quality.

Therefore, it is imperative that the Commission take immediate and decisive action to reaffirm the Vonage Preemption Doctrine, clearly establishing federal jurisdiction and precluding states from filling perceived regulatory vacuums with conflicting local regulations. Such proactive reinforcement of federal boundaries is essential not only to ensure genuine deregulation, but also to maintain consistency and predictability within the VoIP industry.

CCA and the Cloud Voice Alliance ("CVA") have already submitted a detailed Petition for Declaratory Ruling (see Attachment 1) emphasizing the urgency and critical importance of FCC action. Continued delay or inaction only emboldens states to further encroach upon federal jurisdiction, establishing harmful precedents that other states will inevitably follow.

The Commission should seize this crucial opportunity to fortify its deregulatory efforts by preempting states from reimposing the same obligations. It should in particular unequivocally reaffirm and strengthen the Vonage Preemption Doctrine. Only through robust federal preemption can the Commission effectively safeguard the deregulatory gains of the past decades, promote ongoing innovation and investment, and protect consumers from the adverse impacts of state-imposed regulatory fragmentation.

CONCLUSION

CCA respectfully urges the Commission to embrace this unique opportunity to remove regulatory burdens that no longer align with market realities, technological advancements, and consumer interests. The recommendations provided in these comments — eliminating unnecessary and unrealistic PSAP reporting obligations, transitioning to a voluntary USF de minimis exemption, enabling transparent USF charge labeling, and decisively reaffirming the Vonage Preemption Doctrine — will collectively ensure that the FCC's deregulatory initiatives produce tangible benefits

for providers and consumers alike. Prompt and decisive action by the Commission is essential to fostering a competitive, innovative, and efficient communications marketplace well-positioned to meet the challenges and opportunities of the future.

Respectfully submitted,

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Counsel for Petitioners

ATTACHMENT 1

CCA-CVA Petition for Declaratory Ruling (currently undocketed)

January 27, 2025

VIA ELECTRONIC FILING AND FEDEX COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9050 Junction Drive
Annapolis Junction, MD 20701

Re: Cloud Communications Alliance and Cloud Voice Alliance Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003

Dear Ms. Dortch:

On behalf of the Cloud Communications Alliance and Cloud Voice Alliance (collectively, "Petitioners"), enclosed please find an original and four (4) copies of their *Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003*.

Please date-stamp the enclosed extra copy of this filing and return it in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter. If you have any questions or require additional information, kindly contact the undersigned.

Respectfully submitted,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003	)	WC Docket No. _____

CLOUD COMMUNICATIONS ALLIANCE AND CLOUD VOICE ALLIANCE PETITION FOR DECLARATORY RULING

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Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003	)	WC Docket No. _____

CLOUD COMMUNICATIONS ALLIANCE
AND CLOUD VOICE ALLIANCE
PETITION FOR DECLARATORY RULING

I. INTRODUCTION

The Cloud Communications Alliance[1] ("CCA") and the Cloud Voice Alliance[2] ("CVA") (collectively, "Petitioners") respectfully submit this Petition for Declaratory Ruling pursuant to Section 1.2 of the Federal Communications Commission's ("FCC" or "Commission") rules, 47 C.F.R. § 1.2. Petitioners request a declaratory ruling that the California Public Utilities Commission's ("CPUC") regulatory framework for interconnected Voice over Internet Protocol ("VoIP") services, adopted in Decision 24-11-003, is preempted by federal law, including the FCC's *Vonage Preemption Order*, and

[1] The Cloud Communications Alliance (CCA) is the premier global affiliation group for the cloud communications industry, representing unified communications service providers and their vendors. As the "voice of the cloud communications industry," the CCA drives innovation, shapes regulatory policies, and provides financial and industry thought leadership. With a rapidly growing membership serving over 20 million seats worldwide, the CCA fosters collaboration among industry leaders, empowering its members to deliver cutting-edge solutions to enterprise customers across the globe.

[2] The Cloud Voice Alliance (CVA) is a member-driven organization dedicated to supporting locally owned and operated cloud communications providers. CVA's mission is to enhance the competitiveness of its members by offering resources and advocacy that enable them to deliver high-quality, customized voice and communication services to their communities. By uniting independent providers, the CVA promotes innovation, collaboration, and shared success in the evolving cloud communications market.

conflicts with federal policies designed to promote competition, innovation, and affordable communications services. Petitioners further request the FCC to reaffirm its end-to-end jurisdictional analysis as the definitive standard for determining the regulatory treatment of VoIP services.

The CPUC's framework in Decision 24-11-003 imposes state-specific market entry barriers and regulatory obligations that exceed the narrow authority expressly reserved to states under the *Vonage Preemption Order*. These requirements undermine the federal regulatory framework that recognizes the inherently interstate nature of VoIP services and has sought to avoid a fragmented regulatory landscape. By erecting these barriers, the CPUC's decision not only conflicts with federal law but also threatens to stifle innovation, increase costs, and limit the availability of VoIP services to consumers and businesses.

Petitioners stress that the FCC's reaffirmation of its end-to-end jurisdictional analysis is critical to preserving a unified federal framework that prevents states from encroaching on areas preempted by federal law. Such action will safeguard the affordability, accessibility, and competitive growth of VoIP services, ensuring they continue to deliver widespread benefits to consumers and businesses across the nation.

II. BACKGROUND

A. FCC's Federal VoIP Policy Framework

Since the landmark *Vonage Preemption Order* in 2004,[3] the Commission has consistently recognized that interconnected VoIP services transcend traditional jurisdictional boundaries. In the *Vonage Preemption Order*, the FCC preempted state regulation of nomadic VoIP services, highlighting the inherent difficulty, if not impossibility, of distinguishing between the intrastate and interstate components of VoIP calls. The FCC held that subjecting such services to a patchwork of state regulations would undermine federal objectives, including fostering innovation, competition,

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[3] *Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004) ("*Vonage Preemption Order*").

and affordability.[4] The Commission first enunciated this deregulatory approach in the *Pulver Order*, which acknowledged that IP-enabled services are inherently designed to overcome geographic limitations.[5] The FCC's consistent approach ensures that VoIP services are shielded from unnecessary and inconsistent state regulations, a framework repeatedly upheld and reinforced by federal courts.[6]

The FCC's regulatory framework is firmly grounded in an end-to-end analysis of voice calls, which determines their jurisdictional nature based on their ultimate geographic endpoints—both the origination and termination points.[7] To classify a call as intrastate or interstate, the service provider

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[4] *See Id.* at para. 20; *see also id.* at para. 37 (internal citations omitted) ("Allowing Minnesota's order to stand would invite similar imposition of 50 or more additional sets of different economic regulations on DigitalVoice, which could severely inhibit the development of this and similar VoIP services. We cannot, and will not, risk eliminating or hampering this innovative advanced service that facilitates additional consumer choice, spurs technological development and growth of broadband infrastructure, and promotes continued development and use of the Internet").

[5] *See Petition for Declaratory Ruling that Pulver.com's Free World Dialup Is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 03-45, Memorandum Opinion and Order, 19 FCC Rcd 3307, para. 21 (2004) ("*Pulver Order*").

[6] *See, e.g., Vonage Holdings Corp. v. Neb. Pub. Serv. Comm'n*, 564 F. 3d 900, 905-06 (8th Cir. 2009) (striking down Nebraska's attempt to impose state universal service obligations on VoIP providers, noting that the FCC, "not state commissions, has the responsibility to decide if such regulations will be applied"); *Minn. Pub. Utils. Comm'n, 483 F.3d, 570, 578 (8th Cir. 2007) (holding that "[t]he impossibility exception, if applicable, is dispositive of the issue whether the FCC has authority to preempt state regulation of VoIP services").*

[7] *See Vonage Preemption Order* at paras. 23-25; *see also, Bell Atl. Tel. Cos. v. FCC*, 79 F.3d 1195, 1202 (D.C. Cir. 1996) ("*The Commission traditionally has determined the jurisdictional nature of communications by looking at the end points of the communication, rather than examining intermediate points or the method of transmission.* ***This 'end-to-end' analysis has long been employed by the Commission to determine whether a communication is interstate and thus subject to federal jurisdiction***") *(emphasis added); In re AT&T Corp., Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services, 19 FCC Rcd 7457 (2004) ("For purposes of determining the jurisdiction of calling card calls, the Commission has applied an "end-to-end" analysis,* ***classifying long distance calls as jurisdictionally interstate or intrastate based on the endpoints****, not the actual path, of each complete communication") (emphasis added); Louisiana Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 370 (1986); *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 381 n.8 (1999) ("*It is worth noting that* ***the [FCC's] traditional jurisdictional analysis of long-distance communications has focused on the end points of the communication*** *and not on the location of any intermediate switch or routing center*") (*emphasis added*); *In re GTE Serv. Corp.*, CC Docket No. 98-79, Memorandum Opinion and Order, 13 FCC Rcd 22466, 22479-80, paras. 24-26 (1998).

must identify the precise geographic locations of both parties involved in the communication: its own customer and the recipient on the other end of the call. This approach underscores the inherently interstate nature of VoIP services, recognizing that their dynamic, location-agnostic design defies traditional geographic boundaries. For decades, this end-to-end analysis has been a cornerstone of the FCC's regulatory framework, ensuring a consistent and practical method for jurisdictional determinations.[8]

B. California-Specific VoIP Regulations Adopted in Decision D.24-11-003

On November 7, 2024, the CPUC adopted Decision D.24-11-003, implementing sweeping changes to the regulation of interconnected VoIP services in California that contravene the FCC's long-standing deregulatory approach to VoIP services.[9] The CPUC's rules:

- Misapply federal law by creating an artificial "fixed" versus "nomadic" VoIP distinction, relying on an unworkable "ability to track" standard.
- Impose state-specific registration, performance bond, and transfer of control requirements that constitute de facto market entry barriers.
- Conflict with the FCC's well-established end-to-end analysis, undermining the uniform regulatory framework essential for innovation and competition in the VoIP industry.

The CPUC's establishment of new utility classifications—Digital Voice Fixed ("DVF") and Digital Voice Nomadic ("DVN")—along with the imposition of duties on an ambiguously defined category of "limited facilities-based" Fixed VoIP providers, constitutes a significant and unwarranted regulatory overreach into the domain of VoIP services. By extending a host of regulatory obligations traditionally reserved for legacy telecommunications corporations operating within the state, the

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[8] *Id.*

[9] *See generally, Decision Establishing Regulatory Framework for Telephone Corporations Providing Interconnected Voice over Internet Protocol and Launching Second Phase of Proceeding*, R. 22-08-008 (Cal. Pub. Utils. Comm'n Nov. 7, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M546/K367/546367929.PDF ("Decision").

CPUC has effectively opened the door to an unrelenting cascade of additional regulatory burdens (to which the CPUC has already tipped its hand).[10]

At the core of the CPUC's new regulatory framework lies a series of complex, confusing, and burdensome application requirements tailored to various classifications of VoIP services, as follows:

CPUC Market Entry Requirement:	Applicable to:	See Attachment
Communications Division ***Registration*** Form	Digital Voice Nomadic	1
1013 ***Registration*** Form pursuant to Public Utilities Code Section 1013	Digital Voice Fixed	2
CPCN Application Form pursuant to Public Utilities Code Section 1001	Facilities and Limited Facilities-Based VoIP	3

While the CPUC is transparent about the traditional Certificate of Public Convenience & Necessity ("CPCN") licensing requirements for facilities and limited facilities-based providers, it obscures the burdens and market entry barriers associated with its so-called "registrations" for VoIP providers by branding them as streamlined and straightforward. In fact, these "registrations" are anything but simple, as they impose significant obligations and administrative challenges that effectively operate as a *de facto* licensing system under a different name.

Far from the streamlined process the CPUC claims, the "registration" requirements closely mirror traditional telecommunications licensing frameworks and are tantamount to market entry barriers. For example:

- **Extensive Disclosures and Attestations -** Applicants are required to submit affidavits under penalty of perjury, enforced by the CPUC's Consumer Protection and Enforcement Division ("CPED"), disclosing sensitive and exhaustive information. These affidavits demand disclosure of past bankruptcies, regulatory violations, license denials or revocations, criminal convictions, and settlements. Such requirements are unprecedented and unnecessary state government intrusions and stand in direct conflict with the FCC's deregulatory policies, which aim to minimize unnecessary oversight and encourage innovation.

[10] *Ruling Setting Prehearing Conference and Inviting Prehearing Conference Statements on Second Phase of Proceeding*, R.22-08-008 (Cal. Pub. Utils. Comm'n Jan. 22, 2025), https://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=555183951.

- **Technical and Managerial Expertise Requirements -** Providers must submit detailed information about their corporate structure and personnel, including the names, titles, and addresses of all officers, directors, partners, and owners with more than a 10% stake. Comprehensive resumes and employment histories for key personnel are also required to demonstrate technical and managerial expertise. These requirements more closely resemble traditional public utility licensing processes than the flexible and innovative nature of modern VoIP services, placing an undue burden on providers, ultimately dissuading new and innovative providers from entering the market.

- **California Environmental Quality Act (CEQA) Exemption Reviews -** Although applications presume CEQA exemptions, the process adds layers of administrative review, cost, and delay, particularly for providers that find themselves classified as "limited facilities-based" Fixed VoIP. Instead of simplifying compliance, these requirements subject providers to additional oversight and create further hurdles for market entry.

Under the CPUC's regulatory framework, the challenges for VoIP providers do not conclude once they are "registered" or effectively "licensed" by the CPUC. Instead, the regulatory burdens intensify, creating ongoing obstacles that stifle growth, hinder innovation, and, in some cases, inhibit free commerce. Among these challenges is the risk of state regulatory intervention and enforcement.

The affidavit and attestation requirements embedded in the CPUC's licensing process make it abundantly clear that the risk of regulatory intervention and enforcement is both genuine and significant. The explicit requirement for providers to disclose past bankruptcies, criminal convictions, and regulatory violations signals the CPUC's intent to use this information as a basis for potential investigations and enforcement actions. For VoIP providers, particularly smaller ones, the mere threat of state regulatory scrutiny creates a chilling effect that cannot be understated.

Providers must operate under constant fear of triggering state-level investigations, audits, or penalties, which undermines their ability to compete effectively or innovate freely. These risks are precisely the kind of state-level regulatory burdens the FCC sought to prevent by asserting its authority over VoIP services.

In addition to imposing de facto licensing requirements, the CPUC mandates that VoIP providers post performance bonds,[11] pay the CPUC User Fee[12]—which funds the Commission's operations—and submit annual affiliate transaction reports.[13] These financial and administrative obligations erect barriers to market entry, disproportionately burdening small and medium-sized providers, which make up the core membership of organizations like the CCA and CVA.

Last but certainly not least, the CPUC Decision extends transfer-of-control regulations to VoIP providers,[14] a measure historically reserved for legacy telecommunications carriers. These regulations require interconnected VoIP providers not affiliated with incumbent local exchange carriers to seek CPUC approval for sales, encumbrances of assets, transfers of control, and other significant corporate transactions under Sections 851 through 854 of the California Public Utilities Code, using the advice letter process.

Although the Decision nominally exempts nomadic-only VoIP providers from full approval requirements, limiting them to "information-only" submissions, it grants the CPUC broad discretion to escalate such transactions to an application or formal proceeding "if circumstances warrant further review."[15] Critically, the Decision provides no guidance on what might trigger this heightened scrutiny, creating significant regulatory uncertainty. This ambiguity introduces risks that could result in the unwarranted application of burdensome approval requirements even to transactions involving nomadic-only providers.

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[11] Decision § 8.2.1.

[12] *Id.* § 8.2.2; *see also*, Cal. Pub. Utils. Code § 431-435 (2024) (The CPUC User Fee is a charge levied on telecommunications providers operating in California to fund the regulatory activities of the CPUC. The fee is calculated as a percentage of gross intrastate revenues generated by the provider and is passed through to consumers as part of their telecommunications bills. Revenue from the User Fee supports the CPUC's oversight of public utilities, including enforcement of regulations, market monitoring, and consumer protection initiatives).

[13] *Id.* § 8.2.3.

[14] *See e.g.*, Decision at Exhibit G.

[15] *Id.* ("If the Commission believes that the matter warrants more comprehensive review, the Commission may suspend the advice letter and direct the parties to file an application").

The CPUC's discretionary transfer-of-control review process introduces significant regulatory hurdles for providers, particularly those navigating mergers, acquisitions, and financing arrangements. With vague standards and unpredictable enforcement, the process creates delays, inflates legal and administrative costs, and generates uncertainty for potential investors. For small and medium-sized providers, which often depend on external funding or strategic transactions to grow and compete, this regulatory unpredictability poses an acute challenge, discouraging participation in the market and hampering expansion efforts.

Beyond the specific barriers imposed by the transfer-of-control review process, the CPUC's broader regulatory framework creates a landscape rife with obstacles. Collectively, these regulations establish a heavy-handed, resource-intensive structure that disproportionately burdens smaller providers. The result is an environment where competition and innovation are stifled, as smaller players—critical drivers of market dynamism—struggle to comply with the excessive demands placed upon them. Paradoxically, instead of protecting consumers as it claims to do, the CPUC's framework harms them by stifling the growth and innovation that have driven lower costs, expanded service options, and improved access to advanced communication technologies.[16]

Moreover, the challenge providers face extends far beyond the initial compliance and registration phases. The ongoing risks and uncertainties introduced by this regulatory regime exacerbate the difficulties of maintaining operations, let alone pursuing innovation or expansion. These continuing burdens force providers to divert resources away from service improvement and innovation toward navigating a convoluted and restrictive compliance process.

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[16] In the underlying state rulemaking proceeding, participants overwhelmingly highlighted the total absence of evidence—whether from the CPUC or public-interest commenters—demonstrating any harm to California consumers attributable to VoIP providers. This glaring lack of evidence strongly indicates that the CPUC's motivation was not to address market failures or protect consumers but to regulate for regulation's sake. Allowing the CPUC's framework to remain in place would likely lead to higher costs for consumers, eroding the substantial cost savings that VoIP services have provided over the past two decades.

Taken together, the CPUC's regulations not only conflict with federal law but also threaten to erode the competitive and consumer benefits that have defined the VoIP market under the FCC's light-touch regulatory approach. By imposing excessive barriers to market entry and fostering uncertainty, the CPUC's framework risks undermining the very foundation of the VoIP industry. A cohesive, federally preempted framework is essential to preserving innovation, fostering investment, and ensuring consumers continue to benefit from affordable and advanced communications services. Without federal intervention, the CPUC's overreach threatens to undo decades of progress, leaving providers and consumers alike to bear the consequences of a fractured and inefficient regulatory landscape.

III. THE CPUC'S RULES CONFLICT WITH FEDERAL LAW

The regulatory framework established in CPUC Decision D.24-11-003 fundamentally conflicts with federal law and FCC precedent, particularly the *Vonage Preemption Order*. The CPUC's rules diverge from the FCC's deregulatory approach to interconnected VoIP services, undermining federal objectives that promote innovation, competition, and consumer benefits. These rules are not only legally flawed but also technologically impractical and inconsistent with binding federal policy.

A. Conflict with the *Vonage Preemption Order*

The FCC's *Vonage Preemption Order* unequivocally establishes that state regulation of nomadic VoIP services is preempted due to their inherently interstate nature and the technical infeasibility of separating interstate and intrastate components. Despite this clear precedent, the CPUC created a distinction between "fixed" and "nomadic" VoIP services, asserting that providers can track call endpoints to justify state regulation. This assumption misinterprets the *Vonage Preemption Order* and creates an artificial and unsupported regulatory distinction.

The CPUC's rules fail to account for the technological realities of VoIP services. As AT&T emphasized in the CPUC rulemaking proceeding, most VoIP services are jurisdictionally agnostic,

designed as all-distance offerings that do not require tracking the location of calls.[17] The FCC's end-to-end analysis—which evaluates the entire communication path—remains the definitive standard for determining jurisdiction. The CPUC's reliance on origination data disregards the fact that termination points often lie beyond the control or visibility of providers, especially when third-party networks and number portability are involved. The *Kansas/Nebraska Declaratory Ruling*[18] and the Eighth Circuit's affirmation of this principle further demonstrate that fragmented jurisdictional frameworks are unworkable and incompatible with federal law.

Furthermore, the CPUC's attempt to differentiate "fixed" and "nomadic" VoIP services undermines the shared technological characteristics of these services. Both rely on dynamic, cloud-based routing, which defies static geographic classifications. As noted in the Voice on the Net Coalition's comments during the CPUC proceeding, this distinction is illusory, and federal policy has never supported such a bifurcation for regulatory purposes.[19] Federal precedent affirms that both types of VoIP services share the same essential characteristics that render them inseverably interstate.

B. Conflict With Federal Precedent Requiring End-to-End Analysis

The FCC's jurisdictional framework is firmly rooted in an end-to-end analysis of voice calls, which determines jurisdiction based on the call's ultimate geographic endpoints—encompassing both the origination and termination points—rather than fragmenting the call into isolated components. Under this framework, classifying a call as intrastate or interstate requires the service provider to identify the ultimate geographic "endpoints" of the communication. This means a VoIP provider

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[17] *See Comments of AT&T*, R.22-08-008 at 7 (filed Oct. 10, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K974/542974434.PDF.

[18] *See generally, Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic Intrastate Revenues*, WC Docket No. 06-122, Declaratory Ruling, 25 FCC Rcd 15651 (2010) ("*Kansas/Nebraska Declaratory Ruling*").

[19] *See Comments of the Voice on the Net Coalition*, R.22-08-008 at 4 (filed Oct. 10, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K964/542964498.PDF.

must be able to verify both the location of its own customer and that of the other party on the call. This approach underscores the inherently interstate nature of VoIP services and has long served as a cornerstone of the FCC's regulatory framework.

Initially, the CPUC's Administrative Law Judge (ALJ) explicitly recognized the critical role of the end-to-end analysis in its Proposed Decision.[20] The ALJ described the defining characteristics of interconnected VoIP services, emphasizing that providers "cannot track exact location of calls."[21] This concession aligns directly with federal law, which established the impracticality of separating interstate and intrastate components of VoIP services due to the inability to reliably identify call endpoints.

Reacting to comments filed by the CCA[22] and USTelecom[23] which highlighted the abundance of precedent affirming the FCC's end-to-end jurisdictional analysis and its applicability to federal preemption, the CPUC's final Decision, D.24-11-003, conveniently revised the ALJ's proposed language. Supplanting the "cannot track exact location of calls" language with a description that, while lacking in any foundation in federal law, conveniently supported the CPUC's manufactured basis for asserting jurisdiction based on a provider's ability to identify the geographic location of **call originations only**.[24]

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[20] *See Proposed Decision of Administrative Law Judge, Order Instituting Rulemaking to Consider Regulatory Frameworks for Interconnected VoIP Providers, R.22-08-008 at 21 (Sept. 13, 2024),* https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999556.PDF *("Proposed Decision") ("The FCC made it clear that preemption under the Vonage Order does not apply where an interconnected VoIP service provider is* ***capable of tracking intrastate and interstate calls****...")* (emphasis added).

[21] *Id.* at 86, para. 13.

[22] *See Comments of CCA in R.22-08-008 at 10-12 (Oct. 10, 2024),* https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M543/K421/543421832.PDF.

[23] *See Comments of USTelecom in R.22-08-008 at 15-16 (Oct. 10, 2024),* https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K998/542998991.PDF.

[24] *See Decision Establishing Regulatory Framework for Interconnected VoIP Providers,* R.22-08-008 at 103, para. 12 *(Nov. 13, 2024),* https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M546/K367/546367929.PDF.

IV. THE CPUC'S VOIP REGULATORY FRAMEWORK PRESENTS FAR-REACHING, ADVERSE POLICY IMPLICATIONS

The CPUC Decision imposes substantial economic burdens, harms consumers, and undermines federal policy objectives. By departing from the FCC's long-standing deregulatory approach, these state-level regulations threaten the integrity of the uniform national framework that has fostered innovation, competition, and affordability in the VoIP market. A declaration affirming federal preemption is essential to protect the market from these harmful effects.

A. Economic Impact on VoIP Providers

The CPUC's rules impose significant barriers to market entry and place undue burdens on VoIP providers, particularly impacting the members of CCA and CVA. These providers, essential drivers of competition and innovation, are forced to navigate increased operational challenges and heightened uncertainty under the CPUC's regulatory framework. The demands of compliance divert critical resources away from growth and technological advancement, hindering their ability to compete effectively or expand services. This restrictive environment discourages new entrants, stifles innovation, and ultimately constrains the broader development of the VoIP industry.

B. Harm to Consumers

The CPUC's framework also adversely affects consumers by increasing costs and reducing access to innovative services. Despite claiming to act in the public interest, the CPUC has presented no evidence of consumer harm that these rules address. Instead, the added burdens on providers are likely to result in higher prices, reduced service availability, and diminished competition, particularly in underserved and price-sensitive markets. As providers are constrained in their ability to innovate and improve service offerings, consumers face fewer choices and less access to cutting-edge communication technologies.

C. Policy Implications of Federal Preemption

The FCC's exclusive jurisdiction over VoIP services is vital to maintaining a unified national regulatory framework that fosters competition, innovation, and economic growth. The *Vonage*

Preemption Order unequivocally established that VoIP services are inherently interstate in nature, rendering fragmented state regulations both impractical and inconsistent with federal law. The CPUC's attempt to impose state-specific requirements directly undermines these principles, creating a fragmented regulatory environment that disrupts the predictability and efficiency essential for the success of the VoIP market.

Federal deregulatory policies, including Executive Orders 13771[25] and 13777,[26] issued under the Trump Administration (first term), have prioritized reducing unnecessary regulatory burdens to drive economic growth, create jobs, and lower costs for consumers. The FCC's national "light-touch" regulatory framework for VoIP services, as embodied in the *Vonage Preemption Order*, has been instrumental in enabling providers—particularly small and medium-sized enterprises—to innovate and compete effectively in a dynamic and rapidly evolving marketplace. However, the CPUC's actions threaten to undermine this progress. By imposing significant costs and erecting barriers to market entry, the CPUC's framework disrupts the competitive and innovative environment that has flourished under uniform federal oversight.

Permitting the CPUC's framework to stand would not only conflict with federal objectives but also set a dangerous precedent. If other states follow California's lead, the benefits of over two decades of federal preemption under the *Vonage Preemption Order* will be effectively nullified. This patchwork of conflicting state regulations would drive up compliance costs, stifle innovation, deter investment, and ultimately harm both businesses and consumers, reversing the progress achieved under the FCC's cohesive national policy.

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[25] *Exec. Order No. 13,771*, 3 C.F.R. 284 (2018) (establishing a "two-for-one" rule requiring agencies to eliminate two existing regulations for every new regulation issued to reduce regulatory costs and burdens on businesses).

[26] *Exec. Order No. 13,777*, 3 C.F.R. 306 (2018) (directing agencies to establish Regulatory Reform Task Forces to identify and eliminate unnecessary, burdensome, or outdated regulations as part of the administration's broader deregulatory agenda).

V. CONCLUSION

The CPUC's VoIP regulatory framework imposes unnecessary economic and operational burdens on providers, increases costs for consumers, and fragments the regulatory landscape. By creating state-specific regulations that conflict with the FCC's deregulatory policies, the CPUC risks stifling competition and innovation while undermining the affordability and accessibility of VoIP services.

To safeguard the integrity of the national communications framework and protect the competitive dynamics of the VoIP marketplace, the FCC must act decisively to preempt the CPUC's rules. Reaffirming the FCC's exclusive jurisdiction over VoIP services is critical to ensuring that the benefits of innovation, competition, and affordability—fostered by a unified federal policy—are not undone by fragmented state regulations. This action will preserve the progress achieved over decades of federal preemption and ensure that businesses and consumers alike continue to benefit from the dynamic and innovative VoIP market.

VI. RELIEF REQUESTED

Petitioners respectfully request that the FCC:

1. **Issue a Declaratory Ruling** reaffirming that the CPUC's regulatory framework for interconnected VoIP services conflicts with the FCC's deregulatory policies and is preempted under the *Vonage Preemption Order*.
2. **Reaffirm the End-to-End Analysis** as the definitive standard for determining the jurisdictional nature of VoIP communications.
3. **Clarify Federal Jurisdiction** over interconnected VoIP services to prevent states from imposing conflicting and burdensome regulatory requirements.

The FCC should act decisively to reaffirm its federal jurisdiction and prevent the emergence of a fragmented regulatory environment that threatens to disrupt the national VoIP market.

Respectfully submitted,

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Counsel for Petitioners

Attachment 1

Communications Division Registration Form

(Applicable to Providers of Digital Voice Nomadic Services)

CALIFORNIA PUBLIC UTILITIES COMMISSION

Communications Division Registration Form

1. REGISTRATION TYPE (check one only)

○ Wireless ID Registration pursuant to D.94-10-031

○ Nomadic Registration pursuant to D.24-11-003

2. APPLICANT INFORMATION

Applicant Name:

Business Address:

Telephone No.:

Email Address:

2.a. Principal Place of Business: (if different from address above)

2.b. List all fictitious business names under which Applicant has done business in the last five years:

2.c. Applicant is (check one only)

○ Corporation (Inc)
○ General Partnership
○ Limited Partnership (LP)
○ Sole Proprietor
○ Limited Liability Company (LLC)
○ Trust
○ Other, specify:

Attach **Appendix A** with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California (CSOS).

2.d. FCC Registration No.: **2.e CSOS Entity No.:**

2.f. Applicant has a foreign ownership interest

○ NO ○ YES, Foreign entity interest:

3. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS

Agent Name:

Address:

Telephone No.:

4. APPLICANT LEGAL DOMICILE (check one only)

○ California ○ Other, specify:

5. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach **Appendix B**)

6. FOR WIRELESS ID REGISTRATION ONLY (check all that apply)

6.a. Facilities Type:	☐ Reseller / Non-facilities-based	☐ Facilities-based	
6.b. Customer Type:	☐ Residential	☐ Business	☐ Other(s), specify in space below
6.c. Types of Services:	☐ Prepaid	☐ Postpaid	☐ Other(s), specify in space below

6.d. For Facilities-Based WIR: Universal Licensing System (ULS) wireless license call sign:

6.e. Underlying Facilities-Based wireless carrier(s) and/or underlying Reseller/Non-facilities-based wireless carrier(s) providing resold services to applicant. Attach **Appendix C** with a copy of the Wireless Resale Agreement(s) for any underlying carrier(s) and include all information requested below if there are multiple carriers.

Carrier Name: Utility ID No.:

First and Last Name: Title:

Email Address: Telephone No:

7. FOR NOMADIC REGISTRATION ONLY.

☐ YES. Nomadic Interconnected VoIP Service Attestation included in **Attachment A.**

8. SWORN AFFADAVIT

○ TRUE ○ NOT TRUE **(Appendix D)**

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach **Appendix D** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

8.a. List of all affiliated entities (Attach **Appendix E**)

9. APPLICANT TECHNICAL AND MANAGERIAL EXPERTISE
9.a. Attach **Appendix F** with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
9.b. Attach **Appendix G** with Resumes for each personnel identified in Section 9.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
9.c. Applicant Attestation to the Statement Below ○ TRUE ○ NOT TRUE **(Appendix H)**
To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order. Attach **Appendix H** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.
10. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR
○ NONE ○ CURRENT AND/OR PRIOR, specify:
11. ADDITIONAL ATTACHMENT(S) TO THE FORM
11.a. Copy of CD Registration Fee check payment. 11.b. Utility Contact Information Form (Leave Blank the Utility ID field)

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

SAMPLE ATTACHMENT TO CD REGISTRATION FORM

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____[Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Applicant agrees to comply with all federal and state statutes, rules, and regulations, if granted the registration as requested in this application;

- [FOR NOMADIC REGISTRATION ONLY] Applicant provides service that meets the Commission's definition of nomadic-only interconnected VoIP, which includes all of the following characteristics: (1) service can be accessed from any broadband connection without a requirement to subscribe to internet access at any one location or from any particular internet access provider, (2) service is provided to nomadic (portable) IP compatible communication devices; and (3) telephone number is not tied to user's physical location for assignment or use, and calls may be received by customer unrestricted by location; and

- In the event Applicant's request for [Nomadic or Wireless ID] Registration is granted, Applicant agrees to post a continuous performance bond (i.e., there is no termination date on the bond) in the amount of $25,000 issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the oblige on the bond. I will provide a copy of the executed performance bond via a Tier I Advice Letter filed within 30 days of registration approval. Further, I will also provide to the Director of the Communications Division, written notification of applicant's acceptance of its registration, within 30 days of registration approval.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all the statements and representations made in this Registration are true and correct.

Signature

Name and Title

Attachment 2

1013 Registration Form pursuant to Public Utilities Code Section 1013

Applicable to Providers of Digital Voice Fixed Services

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

1013 Registration Form Pursuant to Public Utilities Code Section 1013

1. APPLICANT INFORMATION

Applicant Name:

Business Address:

Telephone No.:

E-mail Address:

1.a. Principal Place of Business: (if different from address above)

1.b. List all fictitious business names under which Applicant has done business in the last five years:

1.c. Applicant is (check one only)

- O Corporation (Inc)
- O General Partnership
- O Limited Partnership (LP)
- O Sole Proprietor
- O Limited Liability Company (LLC)
- O Trust
- O Other, specify:

Attach **Appendix A** with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California.

1.d. Applicant has a foreign ownership interest

O NO O YES, Foreign entity interest:

2. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS

Agent Name:

Address:

Telephone No.:

3. APPLICANT LEGAL DOMICILE (check one only)

O California O Other, specify:

4. APPLICANT WILL OPERATE AS (check all that apply)

☐ Competitive Local Exchange Service Provider	☐ Interexchange (Intra/Inter-LATA) Service Provider	☐ Fixed Interconnected Voice over Internet Protocol (VoIP) Service Provider
4. a. Proposed Facilities	**4. b. Proposed Facilities**	**4. c. Proposed Facilities**
☐ Switchless Reseller/ Non-facilities-based	☐ Switchless Reseller/ Non-facilities-based	☐ Non-facilities-based
4.d. Service Territories	**4.e. Service Territories**	**4.f. Service Territories**
☐ Within ALL the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers	○ Throughout the State of California.	☐ Within the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers
☐ Within ALL the Service Territories of the Small Incumbent Local Exchange Carriers	○ In specific portions of the State only **(Appendix B)**	☐ Within the Service Territories of Small Incumbent Local Exchange Carriers
☐ In specific portions of the State only **(Appendix B)**		☐ In specific portions of the State only **(Appendix B)**

Attach **Appendix B** to include a list of the specific portion(s) or geographical location(s) of the State, and/or ILEC territory(ies); and a copy of the map(s).

Applicant seeking to operate in any Small Incumbent Local Exchange Carriers territories must meet the requirements contained in Appendix A of D.20-08-011.

5. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach **Appendix C**)

6. APPLICANT WILL PROVIDE THE FOLLOWING SERVICES IN CALIFORNIA
(check all that apply)

☐ Provide voice services (traditional wireline and/or Fixed Interconnected VoIP) directly to customers

☐ Other (Describe below other services applicant offers, whether or not they are within Commission's jurisdiction.)

7. SWORN AFFIDAVIT

O TRUE O NOT TRUE **(Appendix D)**

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach **Appendix D** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

7.a. List of all affiliated entities (Attach **Appendix E**)

8. APPLICANT HAS THE REQUIRED EXPERTISE TO OPERATE AS A SERVICE PROVIDER OF THE TYPE INDICATED IN SECTION 4 OF THIS FORM.

○ TRUE ○ NOT TRUE

8.a. Attach **Appendix F** with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

8.b. Attach **Appendix G** with Resumes for each personnel identified in Section 8.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

8.c. Applicant Attestation to the Statement Below ○ TRUE ○ NOT TRUE **(Appendix H)**

To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

Attach **Appendix H** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.

9. FINANCIAL REQUIREMENT

○ TRUE ○ NOT TRUE

Applicant has a minimum of (a) $25,000 in the case of a switchless reseller / non-facilities-based, reasonably liquid and available to meet the firm's first year expenses OR (b) has profitable interstate operations to generate the required cash flow.

Attach **Appendix I** with financial instrument that demonstrates the Applicant meets financial requirements.

10. APPLICANT IS ELIGIBLE AND SEEKS AN EXEMPTION FROM TARIFFING REQUIREMENTS

○ TRUE ○ NOT TRUE (Attach **Appendix J**)

11. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR

○ NONE

○ CURRENT AND/OR PRIOR, specify:

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

[SAMPLE ATTACHMENT TO SECTION 1013 REGISTRATION FORM]

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____[Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Agrees to comply with all federal and state statutes, rules, and regulations, Commission requirements as a Telephone Corporation, and state contractual rules and regulations, if granted the request as stated in this application;

- Certifies that all responses to the attached 1013 Registration for CPCN are true and correct; and

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

_____

Signature

_____

Name and Title

Attachment 3

CPCN Application Form pursuant to Public Utilities Code Section 1001

Applicable to Providers of Facilities and Limited Facilities-Based VoIP

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

CPCN Application Form Pursuant to Public Utilities Code Section 1001

1. APPLICANT INFORMATION

Applicant Name:

Business Address:

Telephone No.:

E-mail Address:

1.a. Principal Place of Business: (if different from address above)

1.b. List all fictitious business names under which Applicant has done business in the last five years:

1.c. Applicant is (check one only)

- O Corporation (Inc)
- O General Partnership
- O Limited Partnership (LP)
- O Sole Proprietor
- O Limited Liability Company (LLC)
- O Trust
- O Other, specify:

Attach **Appendix A** with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California.

1.d. Applicant has a foreign ownership interest

O NO O YES, Foreign entity interest:

2. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS

Agent Name:

Address:

Telephone No.:

3. APPLICANT LEGAL DOMICILE (check one only)

O California O Other, specify:

4. APPLICANT PROPOSED SCHEDULE OF PROCEEDING (check all that apply)

Ratesetting	**DATE(s)**	**Other Proposed Schedule**	**DATE(s)**
☐ Prehearing Conference		☐	
☐ Scoping Memo		☐	
☐ Testimony (Optional)		☐	
☐ Briefing (Optional)		☐	
☐ Evidentiary Hearing (Optional) **(Appendix B)**		☐	
☐ Proposed Decision		☐	

If Evidentiary Hearing is selected, attach **Appendix B** describing the issues which require hearing and length of hearing needed.

5. WHAT ISSUES ARE THERE TO BE RESOLVED IN THIS APPLICATION?
(check all that apply)

☐ Whether this application meets all state and California Public Utilities Commission (Commission) requirements for a certificate of public convenience and necessity (CPCN), including but not limited to financial, technical, and California Environmental Quality Act (CEQA) requirements.

☐ Whether the proposed construction is eligible for the Commission's 21 day expedited process for CEQA review.

☐ Consideration of a safety issue. (Provide a description of the issue below.)

☐ Consideration of an Environmental and Social Justice (ESJ) issue. (Provide a description explaining the ESJ issue for resolution. Otherwise, Applicant attests that there is no ESJ issue for consideration in this Application.)

☐ Other (Provide a description of the issue(s) below.)

6. APPLICANT WILL OPERATE AS (check all that apply)

☐ Competitive Local Exchange Service Provider	☐ Interexchange (Intra/Inter-LATA) Service Provider	☐ Fixed Interconnected Voice over Internet Protocol (VoIP) Service Provider
6.a. Proposed Facilities	**6.b. Proposed Facilities**	**6.c. Proposed Facilities**
○ Full Facilities-Based	○ Full Facilities-Based	○ Full Facilities-Based
○ Limited Facilities-Based	○ Limited Facilities-Based	○ Limited Facilities-Based
☐ Switchless Reseller/ Non-facilities-based	☐ Switchless Reseller/ Non-facilities-based	☐ Non-facilities-based
6.d. Service Territories	**6.e. Service Territories**	**6.f. Service Territories**
☐ Within ALL the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers	○ Throughout the State of California.	☐ Within the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers
☐ Within ALL the Service Territories of the Small Incumbent Local Exchange Carriers	○ In specific portions of the State only **(Appendix C)**	☐ Within the Service Territories of Small Incumbent Local Exchange Carriers
☐ In specific portions of the State only **(Appendix C)**		☐ In specific portions of the State only **(Appendix C)**

Applicant that *only* selected non-facilities-based for Proposed Facilities (Section 6.a, 6.b. and 6.c.) is not required to respond to Section 11 and 12 of the CPCN Application form. If no facilities are proposed, Applicant may be eligible to use the 1013 registration process pursuant to Pub. Util. Code Section 1013.

Attach **Appendix C** to include a list of the specific portion(s) or geographical location(s) of the State, and/or ILEC territory(ies); and a copy of the map(s).

Applicant seeking to operate in any Small Incumbent Local Exchange Carriers territories must meet the requirements contained in Appendix A of D.20-08-011.

7. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach **Appendix D**)

8. APPLICANT WILL PROVIDE THE FOLLOWING SERVICES IN CALIFORNIA
(check all that apply)

☐ Provide voice services (traditional wireline and/or Fixed Interconnected VoIP) directly to customers

☐ Build facilities which will transmit or facilitate voice services (traditional wireline and/or Interconnected VoIP) through third parties.

☐ Other (Describe below other services applicant offers, whether or not they are within Commission's jurisdiction.)

9. SWORN AFFIDAVIT

○ TRUE ○ NOT TRUE **(Appendix E)**

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach **Appendix E** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

9.a. List of all affiliated entities (Attach **Appendix F**)

10. APPLICANT HAS THE REQUIRED EXPERTISE TO OPERATE AS A SERVICE PROVIDER OF THE TYPE INDICATED IN SECTION 6 OF THIS FORM.
○ TRUE ○ NOT TRUE
10.a. Attach **Appendix G** with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
10.b. Attach **Appendix H** with Resumes for each personnel identified in Section 10.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
10.c. Applicant Attestation to the Statement Below ○ TRUE ○ NOT TRUE **(Appendix I)**
To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order. Attach **Appendix I** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.
11. CONSTRUCTION OR EXTENSION OF FACILITIES FOR LIMITED AND FULL FACILITIES-BASED APPLICANTS ONLY.
☐ YES. Attach **Appendix J** that includes all responses to **11.a.** thru **11.j.**
11.a. Description of proposed construction activities, documentation attached.
11.b. List of competing entities
11.c. Map showing proposed construction
11.d. Statement of franchises and health and safety permits
11.e. Facts showing public convenience and necessity requiring the proposed construction.
11.f. Statement showing cost of construction.
11.g. Statement showing financial ability to render service.
11.h. Statement showing proposed rates.
11.i. Annual Report Statement.
11.j. Estimated number of customers in the first and fifth years in the future

12. APPLICANT'S PROPOSED FULL FACILITIES ARE LIKELY ELIGIBLE FOR A CATEGORICAL EXEMPTION FROM CEQA AND APPLICANT REQUESTS TO UTILIZE THE ENERGY DIVISION'S 21-DAY EXPEDITED CEQA REVIEW PROCESS.

O YES. Attach **Appendix K** with list of categorical exemptions and briefly explain the applicability of each exemption to the proposed construction.

O NO. Attach **Appendix K** with Preliminary Environmental Assessment.

13. FINANCIAL REQUIREMENT

O TRUE O NOT TRUE

Applicant has a minimum of (a) $25,000 in the case of a switchless reseller/ non-facilities-based OR (b) $100,000 in the case of a Facilities-Based (Full and/or Limited), in each case reasonably liquid and available to meet the firm's first year expenses, including an additional $25,000 for deposits which may be required by local exchange carriers or interexchange carriers; OR (c) has profitable interstate operations to generate the required cash flow.

Attach **Appendix L** with financial instrument that demonstrates the Applicant meets financial requirements.

14. APPLICANT IS ELIGIBLE AND SEEKS AN EXEMPTION FROM TARIFFING REQUIREMENTS

O TRUE O NOT TRUE (Attach **Appendix M**)

15. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR

O NONE

O CURRENT AND/OR PRIOR, specify:

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

SAMPLE CPCN APPLICATION FORM ATTACHMENT A

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____[Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Agrees to comply with all federal and state statutes, rules, and regulations, Commission requirements as a Telephone Corporation, and state contractual rules and regulations, if granted the request as stated in this application;

- Certifies that all responses to the attached Application for CPCN are true and correct; and

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

_____

Signature

_____

Name and Title